



House Office Building, 9 South  
Lansing, Michigan 48909  
Phone: 517/373-6466

## WEIGHTS & MEASURES ACT: ELIMINATE FUEL-OXYGENATE LABELING REQUIREMENT

House Bill 4790 as introduced  
First Analysis (6-11-03)

Sponsor: Rep. Neal Nitz  
Committee: Agriculture and Resource  
Management

### ***THE APPARENT PROBLEM:***

Making its way through the legislative process is House Bill 4657, which would eliminate the ethanol-labeling requirements under the Motor Fuels Quality Act. It has become apparent that a similar labeling provision was incorporated by reference in the Weights and Measures Act, which provides that the method of sale of a commodity sold in the state shall conform to the *Uniform Regulation for the Method of Sale of Commodities*, published in the 2002 edition of the National Institute of Standards and Technology (NIST) Handbook 130, except where modified by rule. Section 2.20.1 of the handbook provides that all automotive gasoline or automotive gasoline-oxygenate blends kept, offered, or exposed for sale, or sold at retail containing at least 1.5 mass percent oxygen shall be identified as “with” or “containing” (or similar wording) the predominant oxygenate in the engine fuel, such as “contains ethanol”. To avoid any confusion over whether the ethanol-labeling requirement would still be in effect, even with the enactment of House Bill 4657, a companion measure has been introduced that would reconcile the two acts.

### ***THE CONTENT OF THE BILL:***

House Bill 4790 would the Weights and Measures Act to exclude section 2.20.1 of the *Uniform Regulation for the Method of Sale of Commodities* from adoption.

MCL 290.628c

### ***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, the bill would have no fiscal impact on the state or local units of government. (6-9-03)

### ***ARGUMENTS:***

#### ***For:***

Although statutory interpretation tells us that, in general, a later, more specific act (House Bill 4657) supercedes an earlier, more general act (Public Act 208 of 2002, which added the language to the Weights and Measures Act to be amended by House Bill 4790), the bill is necessary to ensure that the ethanol-labeling requirement is truly repealed.

#### ***POSITIONS:***

The Department of Agriculture supports the bill. (6-10-03)

The Michigan Farm Bureau supports the bill. (6-10-03)

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Analyst: M. Wolf

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.